

**Introduced by Senator Simitian**

February 24, 2006

---

An act relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1612, as introduced, Simitian. San Francisco Bay/Sacramento-San Joaquin Delta.

Existing law requires various state agencies to carry out programs, projects, and activities on behalf of the San Francisco Bay/Sacramento-San Joaquin Delta.

This bill would make legislative findings and declarations concerning the bay-delta.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) More than 23 million Californians rely on the  
4 Sacramento-San Joaquin Delta for their water supply, including  
5 those in southern California, and many in the north, east, and  
6 south San Francisco Bay area. The State Water Project, the  
7 federal Central Valley Project, and the Contra Costa Water  
8 District all divert from the delta.

9 (b) Millions of acres of California farmland rely on the delta  
10 for all or part of their water supply.

11 (c) The delta levees have a long history of failure, even during  
12 low flow periods in the summer. Insufficient funds have been

1 available to enable the levees to withstand even moderate flood  
2 and seismic events.

3 (d) The quality of the water delivered by the State Water  
4 Project and the federal Central Valley Project is highly  
5 vulnerable to degradation by seawater, which intrudes into the  
6 delta when delta levees fail.

7 (e) The ecosystems of the San Francisco Bay and the delta  
8 have been degraded due to a wide variety of reasons that include  
9 pollution, “upstream” and delta water diversions, introduction of  
10 nonnative species, irrigation practices, and ship channel  
11 construction.

12 (f) The level of some delta islands has declined to as much as  
13 20 feet below sea level due to soil compaction, wind erosion, and  
14 oxidation. This greatly increases the chances of island  
15 inundation. Some islands, such as Frank’s Tract and Mildred  
16 Island, have been permanently inundated after levee failure.

17 (g) California native fish species have been placed on state and  
18 federal threatened species lists due to conditions in the bay and  
19 the delta. The delta smelt, a species unique to California, is on  
20 the edge of extinction.

21 (h) The delta levees are subject to collapse in the event of a  
22 severe earthquake or a flood, and this danger is increasing with  
23 rising sea levels. The University of California has recently  
24 concluded that there is “a 2-in-3 probability that abrupt change  
25 will occur in the delta in the next 50 years.” That “change”  
26 includes abrupt landscape change or multiple levee and island  
27 failure.

28 (i) Increasing urbanization in the delta has resulted in the  
29 conversion of agricultural lands to urban uses. Flood events in  
30 urbanized areas can cause much more serious damage than in  
31 agricultural areas.

32 (j) Delta water quality and native aquatic species in the delta  
33 are threatened by newly introduced non-native species. Despite  
34 efforts by state and federal agencies, new species continue to be  
35 introduced, threatening the delta ecosystem. One introduced  
36 algae species has caused serious water quality problems in  
37 certain areas outside of the delta, and may do so in the delta.

38 (k) Hundreds of millions of dollars have been expended for  
39 studies and projects relating to water quality, fish protection, and  
40 other matters of concern on behalf of the bay-delta. Although

1 many of these projects have been successful, and have resulted in  
2 improvements, these efforts have not solved the many problems  
3 of the bay-delta.

4 (l) The CALFED Record of Decision (ROD) proposes a host  
5 of programs to solve these problems. There is an emerging  
6 consensus that the ROD does not address all the elements needed  
7 to safeguard the quality of the water supply of those who rely on  
8 the delta, and that the implementation of the ROD will not result  
9 in recovery of listed species and other species of biological and  
10 economic importance.

11 (m) It is the intent of the Legislature to develop solutions to  
12 these problems facing the bay-delta.